

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

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## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2004/014761

International filing date (day/month/year)  
21.12.2004

Priority date (day/month/year)  
31.12.2003

International Patent Classification (IPC) or both national classification and IPC  
H04L29/06

Applicant  
FRANCE TELECOM

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

10/585234

APP. 10/585234 29 JUN 2006

**WRITTEN OPINION OF THE  
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AUTHORITY (SEPARATE SHEET)**

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Reference is made to the following documents:

- D1: "Universal Mobile Telecommunications System (UMTS); Virtual Home Environment (VHE) / Open Service Access (OSA); Stage 2 (3GPP TS 23.127 version 5.2.0 Release 5); ETSI TS 123 127" ETSI STANDARDS, EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE, SOPHIA-ANTIPO, FR, vol. 3-SA2, no. V520, June 2002 (2002-06), XP014007784 ISSN: 0000-0001
- D2: NJEDJOU E. ET AL: "Motivation for network Handoffs using IP mobility between heterogeneous Access Networks, draft-njedjou-inter-an-handoffs-00.txt" IETF INTERNET DRAFT, 1 June 2003 (2003-06-01), XP015004622 IETF MOBILE IP WORKING GROUP
- D3: HAASE O ET AL: "UNIFIED MOBILITY MANAGER: ENABLING EFFICIENT SIP/UMTS MOBILE NETWORK CONTROL" IEEE WIRELESS COMMUNICATIONS, IEEE SERVICE CENTER, PISCATAWAY, NJ, US, vol. 10, no. 4, August 2003 (2003-08), pages 66-75, XP001171249 ISSN: 1070-9916

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1a. The present formulation of independent method claim 13 fails to meet the requirements of Art. 33(3) PCT, because the subject-matter does not involve an inventive step.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 13, and discloses (the references in parentheses applying to this document): A method (Figures 1,6), for providing mobility management information to an application program (Application) providing a service to a user equipment in an Internet Protocol Multi-media Sub-system, the method comprising notifying the application program providing the service to the user equipment of the mobility management information in response to a subscription for the information from the application program, wherein the subscription for the mobility information is

provided from the application to the IMS session control SCS by communicating call control signalling data between the IMS session control SCS and the application program via a session protocol server (S-CSCF) forming part of the Internet Protocol Multi-media Sub-system (the whole section 7.1.2).

The subject-matter of claim 13 therefore differs from the state of the art given by D1 in receiving mobility dependent evaluation reports at a mobility server (manager, **see Item VIII**), the evaluation reports providing at least an indication of a current state of conditions for communicating with the user equipment or an indication of a relative geographical location of the user equipment, forming the mobility management information based on the evaluation reports.

The objective problem would be to get information (radio link quality, wireless networks available, location, etc...) from the mobile nodes and to use this information in combination with a S-CSCF server to handle sessions and user services.

Document D2 already discloses (section 3 and section 4) as solution the use of a mobility manager periodically receiving reports from mobile nodes performing session control.

A skilled person therefore starting from D1 and aware of document D2, wherein a mobility manager is disclosed periodically receiving reports from mobile nodes, would arrive at the subject-matter of claim 13, without the exercise of inventive skill, in order to solve the problem (to get information (radio link quality, wireless networks available, location, etc...) from the mobile nodes and to use this information in combination with a S-CSCF server to handle sessions and user services), by combining these two documents.

Consequently, the features of present claim 13 not explicitly mentioned in D1 would be found by the skilled person in a most self-evident manner; they are not based on an inventive step, and claim 13 therefore fails to meet the requirements of Art. 33 (3) PCT.

1b. Independent claims 1 and 11, although phrased as apparatus and system claims, are

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nonetheless simple repetitions of the subject-matter of method claim 13 and hence do not meet the requirements of the PCT for the same reasons.

- 1c. The dependent claims 2-10,12,14-17 do not seem to contain any subject-matter which, in combination with the subject-matter of the claim on which they are dependent, would lead to a claim involving an inventive activity (Article 33(3) PCT). They are either derivable from the above cited documents or concern simple embodiments without inventive merit in themselves.

**Re Item VII**

**Certain defects in the international application**

- 2a. The independent claims are not in the two-part form required by Rule 6.3(b) PCT, with a preamble based on D1 and D2.
- 2b. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 2c. Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant background art disclosed in documents D1 and D2 is not discussed in the description, nor are these documents identified therein.

**Re Item VIII**

**Certain observations on the international application**

3. The independent claims 1 and 13 do not meet the requirements of Article 6 PCT for the following reason:

The terminology used should be consistent throughout the entire application (Rule 10.2 PCT):

In claim 1 the mobility manager receives mobility evaluation reports, whereas in claim 13 a mobility server receives mobility evaluation reports.

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